

## HOUSE BILL NO. 92

INTRODUCED BY K. PETERSON

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CERTAIN CITIES, COUNTIES, AND CONSOLIDATED CITY-COUNTIES TO SET SPEED RESTRICTIONS; AND AMENDING SECTION 61-8-303, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-8-303, MCA, is amended to read:

**"61-8-303. Speed restrictions.** (1) Except as provided in 61-8-309, 61-8-310, ~~and 61-8-312, and~~ subsection (2) of this section, the speed limit for vehicles traveling:

(a) on a federal-aid interstate highway outside an urbanized area with a population of 50,000 population or more is 75 miles an hour at all times ~~and the speed limit for vehicles traveling on federal-aid interstate highways within an urbanized area of 50,000 population or more is 65 miles an hour at all times;~~

(b) on any other public highway of this state outside an urbanized area with a population of 50,000 or more is 70 miles an hour during the daytime and 65 miles an hour during the nighttime;

(c) in an urban district is 25 miles an hour.

(2) (a) A city, county, or a consolidated city-county with a population of 50,000 or more may set speed limits for all public highways within its boundaries.

(b) If a public highway is located within the boundaries of both a city and a county, authorities in the jurisdictions shall concur on the speed limit for the highway. If the authorities cannot concur, the speed limit for the highway must be set at the limit provided in subsection (1).

~~(2)(3)~~ A vehicle subject to the speed limits imposed in ~~subsection~~ subsections (1) and (2) traveling on a two-lane road may exceed the speed limits imposed in ~~subsection~~ subsections (1) and (2) by 10 miles an hour in order to overtake and pass a vehicle and return safely to the right-hand lane.

~~(3)(4)~~ Subject to the maximum speed limits set forth in ~~subsection~~ subsections (1) and (2), a person shall operate a vehicle in a careful and prudent manner and at a reduced rate of speed no greater than is reasonable and prudent under the conditions existing at the point of operation, taking into account the amount and character of traffic, visibility, weather, and roadway conditions.

~~(4)(5)~~ Except when a special hazard exists that requires lower speed for compliance with subsection ~~(3)~~

1    (4), the limits specified in 61-8-312 and in this section or established as authorized in 61-8-309 through 61-8-311  
2    and 61-8-313 are the maximum lawful speeds allowed.

3 ~~(5)(6)~~ "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime"

4 means at any other hour.

5        ~~(6)~~(7) The speed limits set forth in this section may be altered by the transportation commission or a local  
6        authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314."

7 - END -